

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE**

United States of America

v.

Criminal No. 02-cr-66-1-PB

Alexander Boyce

O R D E R

On March 12, 2008, defendant appeared for a "probable cause" hearing under Fed. R. Crim. P. 32.1 on three alleged violations of conditions of supervision. Defendant waived probable cause requiring he be held for a revocation hearing, subject to any right to bail.

Defendant sought bail conditions under Rule 32.1(a)(6). Under Rule 32.1(a)(6) defendant bears the burden of establishing by clear and convincing evidence that he will not flee and that he poses no danger to any other person or to the community. Here, defendant stayed sober for 22-23 months after release. In September and October 2007, he fell off the wagon so badly he was put in detox. More recently, he relapsed so badly his wife had to leave the residence; he drank a fifth of vodka each day; he failed to appear at the arranged detox facility and for self-surrender. He is out of control and a danger to the community and to himself. There are no conditions which are likely to

assure his presence and the safety of the community.

Accordingly, it is **ORDERED** that the defendant be detained pending trial.

The defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the government, the person in charge of the corrections facility shall deliver the defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

SO ORDERED.


James R. Muirhead
United States Magistrate Judge

Date: March 13, 2008

cc: Robert J. Veiga, Esq.
Bjorn R. Lange, Esq.
U.S. Marshal
U.S. Probation